

HOUSE BILL No. 1381

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-50-6-3.3.

Synopsis: Credit time. Prohibits the awarding of credit time for a diploma or degree if an incarcerated person has already received credit time for an equivalent diploma or degree.

Effective: July 1, 2002.

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January 15, 2002, read first time and referred to Committee on Education.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1381

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-50-6-3.3, AS AMENDED BY P.L.90-2000,
2 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2002]: Sec. 3.3. (a) In addition to any credit time a person
4 earns under subsection (b) or section 3 of this chapter, a person earns
5 credit time if the person **successfully completes requirements to**
6 **obtain a diploma or degree. A person may earn credit time under**
7 **this section for not more than one (1) diploma received under**
8 **subdivision (3)(A) and (3)(B), not more than one (1) associate's**
9 **degree received under subdivision (3)(C), and not more than one**
10 **(1) bachelor's degree received under subdivision (3)(D). A person**
11 **is entitled to credit if the person:**
12 (1) is in credit Class I;
13 (2) has demonstrated a pattern consistent with rehabilitation; and
14 (3) successfully completes requirements to obtain one (1) of the
15 following:
16 (A) A general educational development (GED) diploma under
17 IC 20-10.1-12.1, if the person has not previously obtained a



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high school diploma.

(B) A high school diploma **awarded from a school that provides mandatory curriculum described under IC 20-10.1-4.**

(C) An associate's degree from an approved institution of higher learning (as defined under IC 20-12-21-3).

(D) A bachelor's degree from an approved institution of higher learning (as defined under IC 20-12-21-3).

(b) In addition to any credit time that a person earns under subsection (a) or section 3 of this chapter, a person may earn credit time if, while confined by the department of correction, the person:

(1) is in credit Class I;

(2) demonstrates a pattern consistent with rehabilitation; and

(3) successfully completes requirements to obtain at least one (1) of the following:

(A) A certificate of completion of a vocational education program approved by the department of correction.

(B) A certificate of completion of a substance abuse program approved by the department of correction.

(c) The department of correction shall establish admissions criteria and other requirements for programs available for earning credit time under subsection (b). A person may not earn credit time under both subsection (a) and subsection (b) for the same program of study.

(d) The amount of credit time a person may earn under this section is the following:

(1) Six (6) months for completion of a state of Indiana general educational development (GED) diploma under IC 20-10.1-12.1.

(2) One (1) year for graduation from high school.

(3) One (1) year for completion of an associate's degree.

(4) Two (2) years for completion of a bachelor's degree.

(5) Not more than a total of six (6) months of credit, as determined by the department of correction, for the completion of one (1) or more vocational education programs approved by the department of correction.

(6) Not more than a total of six (6) months of credit, as determined by the department of correction, for the completion of one (1) or more substance abuse programs approved by the department of correction.

However, a person who does not have a substance abuse problem that qualifies the person to earn credit in a substance abuse program may earn not more than a total of twelve (12) months of credit, as determined by the department of correction, for the completion of one

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(1) or more vocational education programs approved by the department of correction. If a person earns more than six (6) months of credit for the completion of one (1) or more vocational education programs, the person is ineligible to earn credit for the completion of one (1) or more substance abuse programs.

(e) Credit time earned by a person under this section is subtracted from the release date that would otherwise apply to the person after subtracting all other credit time earned by the person.

(f) A person does not earn credit time under subsection (a) unless the person completes at least a portion of the degree requirements after June 30, 1993.

(g) A person does not earn credit time under subsection (b) unless the person completes at least a portion of the program requirements after June 30, 1999.

(h) Subsection (e) applies only to a person who completes at least a portion of the degree or program requirements under subsection (a) or (b) after June 30, 1999. Credit time earned by a person under subsection (a) for a diploma or degree completed before July 1, 1999, shall be subtracted from the period of imprisonment imposed on the person by the sentencing court.

(i) The maximum amount of credit time a person may earn under this section is the lesser of:

(1) four (4) years; or

(2) one-third (1/3) of the person's total applicable credit time.

(j) The amount of credit time earned under this section is reduced to the extent that application of the credit time would otherwise result in:

(1) postconviction release (as defined in IC 35-40-4-6); or

(2) assignment of the person to a community transition program; in less than forty-five (45) days after the person earns the credit time.

SECTION 2. [EFFECTIVE JULY 1, 2002] A person who received credit for more than one (1) diploma or degree under IC 35-50-6-3.3(a)(3)(A), IC 35-50-6-3.3(a)(3)(B), as amended by this act, IC 35-50-6-3.3(a)(3)(C), or IC 35-50-6-3.3(a)(3)(D) before July 1, 2002, is entitled to retain credit time awarded under IC 35-50-6-3.3, as amended by this act.

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